IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22341 of 2004

Between:

Md. Zafrulla Khan, S/o. Amanulla Khan,
R/o. Kota Bazar, Samalkota, East Godavari District.

..... PETITIONER

AND

1 Kapavaram Gram Panchayat, Rep. by its Secretary, Kapavaram,
Samalkot Mandal, East Godavari District.
2 Md. Faizulla, S/o. Rehman,
R/o. Kota Bazar, Samalkota, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, especially one in the nature of Writ of Mandamus directing the inaction of the 1st respondent herein as illegal, arbitrary and capricious.

For the Petitioner: MR.E.V.V.S.RAVI KUMAR, Advocate

For the Respondent No.1: MR. E. Phani Kumar, SC for Kapavaram Gram Panchayat.

The Court at the stage of admission made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the first respondent-Gram Panchayat and with their consent the writ petition itself is disposed of at the stage of admission.

The grievance of the petitioner is that though he made an application on 07-05-2001 requesting the first respondent-Gram Panchayat to grant licence permitting him to do business in bones and leather of animals in the leased premises belonging to the second respondent, situated in Survey No.160/2 of Kapavaram village, Samalkot Mandal of East Godavari District, the first respondent without taking any action on the said application, is interfering with his business. Hence, the writ petition.

The matter underwent several adjournments and the Secretary of the first respondent-Gram Panchayat was directed to appear before this Court and explain the reasons for not filing the counter. When the matter came up today, the relevant record has been produced on behalf of the first respondent-Gram Panchayat.

A perusal of the said record shows that on 23-11-2003 the first respondent-Gram Panchayat unanimously resolved not to grant licence to the petitioner for doing slaughter house business in the premises in question and the same was communicated to the petitioner by proceedings dated 25-11-2003, under registered post. The record also reveals that the said communication was received by the petitioner on
15-12-2003.

Inasmuch as the first respondent-Gram panchayat resolved not to grant licence to the petitioner to conduct slaughter house business in the premises in question, the contention of the petitioner that the first respondent without taking any action on the

application filed for granting licence for conducting slaughter house business, is trying to interfere with the business of the petitioner, cannot be sustained.

In the above view of the matter, there is no merit in the writ petition, and the same is accordingly dismissed. However, it is open to the petitioner to challenge the resolution of the first respondent-Gram Panchayat resolving not to grant licence, in appropriate proceedings, if he so intends.

Accordingly, the writ petition is dismissed. No costs.

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N.V. RAMANA, J

Date: 28-01-2005

Svv

To

1 The Secretary, Kapavaram Gram Panchayat, Kapavaram,
Samalkot Mandal, East Godavari District.

2. Two CD copies.